PROCEINE SON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re P	atent Application of	
Franco	ois SCHUTZE et al.	Group Art Unit:
Applic	eation No.: 10/532,041	Examiner:
Interna	ational Filing Date: April 21, 2005	Confirmation No.:
For:	Pharmaceutical Composition Combining Tenatroprazole for and an Anti- Inflammatory Agent	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. § 371 DATED 23 NOVEMBER 2005

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Please note that inventor Alain Taccoen is deceased. Accordingly, pursuant to 37 C.F.R. §1.42l and MPEP § 409.01(a), his heir, Nathalie Taccoen, has signed on his behalf as heir and legal representative to Alain Taccoen.

Accordingly, Applicants submit herewith the attached executed declaration indicating the relationship between the heir and the deceased inventor and the heir's citizenship, residence, and mailing address as required under 37 C.F.R. § 1.497(b)(2).

The heir is as follows:

Nathalie Taccoen
wife of and heir and legal representative to Alain Taccoen
9, avenue de Villiers
F-78150 Le Chesnay
France

Application No. 10/532,041 Attorney Docket No. 032013-121

Page 2

As the heir to Alain Taccoen's estate, Nathalie Taccoen has executed the attached oath/declaration in place of Alain Taccoen.

If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,

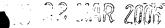
BUCHANAN INGERSOLL PC

 $\mathbf{R}_{\mathbf{V}}$

Melissa M. Hayworth Registration No. 45,774

P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620

Date: March 22, 2006



4)		•	2006 - 12 DAR 2006		
Subst. PTO-1	tute for I 390		ERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER		
		TRANSMITTAL LETTER TO THE UNITED STATES		1032013-000121		
		DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		
INT	FRNA	ATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	10/532,041 PRIORITY DATE CLAIMED		
	_1 (1 (2	PCT/FR2003/003120	21 October 2003	21 October 2002		
TITL	E OF	INVENTION	21 000000 2000	21 October 2002		
AG	ENT		N COMBINING TENATOPRAZOL	E AND AN ANTI-INFLAMMATORY		
ŀ		NT(S) FOR DO/EO/US TZF=Francois: CHARBIT=Suz	v: FICHEUX Herve: HOMERIN I	Michel; TACCOEN, Alain; INABA, Yoshio		
<u> </u>				viionor, 170000EN, 71am, 14767, 103mo		
App	lican	t herewith submits to the United State	es Designated/Elected Office (DO/EO/US)	the following items and other information:		
1.		This is a FIRST submission to items	concerning a filing under 35 U.S.C. 371.			
2.	X	This is a SECOND or SUBSEQUEN	r submission of items concerning a filing u	nder 35 U.S.C. 371.		
3.		This is an express request to begin n (6), (9) and (22) indicated below.	ational examination procedures (35 U.S.C	:. 371(f)). The submission must include items (5),		
4.		The US has been elected by the exp	iration of 19 months from the priority date	(Article 31).		
5.		A copy of the International Application	n as filed (35 U.S.C. 371(c)(2))			
		a. is attached hereto (required	only if not communicated by the Internatio	nal Bureau).		
		b. has been communicated by	the International Bureau.	'		
1		c. is not required, as the application was filed in the United States Receiving Office (RO/US).				
6.		An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))				
		a. is attached hereto.				
		b. 🔲 has been previously submitted under 35 U.S.C. 154(d)(4).				
7.		Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))				
		a. are attached hereto (required only if not communicated by the International Bureau).				
ļ		b. 🔲 have been communicated by the International Bureau.				
		c. have not been made; however, the time limit for making such amendments has NOT expired.				
		d. have not been made and will not be made.				
8.		An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).				
9.	X	An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).				
10.		An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).				
	Iten	ns 11 to 21 below concern docume	nt(s) or information included:			
11.		An Information Disclosure Statement under 37 CFR 1.97 and 1.98.				
12.		An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.				
13.		A FIRST preliminary amendment.				
14.		A SECOND or SUBSEQUENT preliminary amendment.				
15.		A substitute specification.				
16.		A change of power of attorney and/o	or address letter.			
17.		A computer-readable form of the sec	quence listing in accordance with PCT Rul	e 13ter.2 and 37 C.F.R. 1.821 - 1.825.		
18.		A second copy of the published international application under 35 U.S.C. 154(d)(4).				
19.		A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).				
20.	×	Other items or information: A Requated 23 September 2005; and Res	uest for a Four-Month Extension of Time; ponse to Notification of Missing Requirem	A copy of Notification of Missing Requirements ents under 35 U.S.C. 371 dated 23 September 2005		

U.S. AF	PPLICATION NO. (If known, s 10/532,041		TIONAL APPLICATION N CT/FR2003/003120	li li	ATTO	7'S DOCKET NUM 1032013-000	
						CALCULATIONS	
21.	Applicant(s) requests the information:			assignment	[
-							
22. 🕱	The following fees are su	ıbmitted:					
<u> </u>	sic Filing Fee (1631)						
I —	rcharge of \$130.00 (1617)	for furnishing the oath o	or declaration later than	20	X 30	\$ 130.00	
	nths from the earliest clain	ned priority date (37 CFF	R 1.492(e)).	1		L	
	CLAIMS	NUMBER FILED	NUMBER EXTRA 0	RATE X 050 00 (r			
-	tal Claims	-20 = - 3 =	-	× \$50.00 (° × \$200.00		\$ 0.00 \$ 0.00	······································
	ependent Claims JLTIPLE DEPENDENT CL			+ \$360.00	` 	\$ 0.00	<u></u>
I —	amination Fee	min(O) (ii applicable)		+ \$200.00	` 		
	arch Fee			+ \$500.00			-
Ap	p. Size Fee (add \$250.00 f	or each add'l 50 sheets	exceeding 100 sheets)	*			
			TOTAL OF ABOV	E CALCULA	TIONS	\$ 130.00	
	Applicant claims small e are reduced by 1/2.	ntity status. See 37 CFF	R 1.27. The fees indicate	ed above	_	\$ 0.00	
	are reduced by 172.			SUBT	OTAL =	\$ 130.00	
	Processing fee of \$130.00 (1618) for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$ 0.00	
	TOTAL NATIONAL FEE =				L FEE =	\$ 130.00	
Fe	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (8021) per property +						
=	<u> </u>	, , , , , , , , , , , , , , , , , , ,	•••	FEES ENCL		\$ 130.00	
						Amount to be refunded :	
a.	A check in the amou	nt of	to cover the above fees	s is enclosed	. 	charged :	
b.	Please charge my De duplicate copy of this		2-4800 in the amount	of		to cover the above	e fees. A
c. The Commissioner is hereby authorized to charge any additional fees which may be required Deposit Account No. <u>02-4800</u> . A duplicate copy of this sheet is enclosed.					be require	ed, or credit any ov	erpayment to
d.	Charge \$ 130.0	to credit card. Fe	orm PTO-2038 is attache	ed.			
	OTE: Where an appropria (b)) must be filed and gr				iet, a peti	ition to revive (37	CFR 1.137(a)
 /2005 LI	LANDGRA 00000051 105320	141					
1617	j	30.00 QP					
	END ALL CORRESPONDE	ENCE TO:		~ ^	1 200	, 1(<i>(</i>)
В	Buchanan Ingersoll PC			1. 1	1 + by I		
	cluding attorneys from	n Burns, Doane, Sv	vecker & Mathis	this SIGNATURE		•	
	P.O. Box 1404 Alexandria, Virginia 22313-1404					Melissa M. Hayworth	
	03) 836-6620			NAME			
				4	15,774	mil	22 2006
					RATION	NO (0.75	DATE



United States Patent and Trademark Office

United States DEPARTMENT OF COMMI United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virgina 22313-1450 www.cspto.gov UNITED STATES DEPARTMENT OF COMMERCE

ATTY. DOCKET NO. U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT

François Schutze 10/532,041

032013-121

INTERNATIONAL APPLICATION NO.

PCT/FR03/03120

I.A. FILING DATE

PRIORITY DATE

10/21/2003

10/21/2002

21839 **BUCHANAN INGERSOLL PC** (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 **ALEXANDRIA, VA 22313-1404**

CONFIRMATION NO. 5818 371 FORMALITIES LETTER *OC000000017090612*

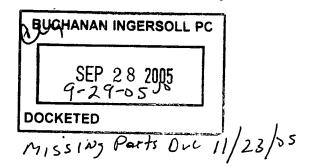
Date Mailed: 09/23/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/21/2005
- English Translation of the IA filed on 04/21/2005
- Copy of the International Search Report filed on 04/21/2005
- Copy of IPE Report filed on 04/21/2005
- Preliminary Amendments filed on 04/21/2005
- Information Disclosure Statements filed on 04/21/2005
- Oath or Declaration filed on 04/21/2005
- Reguest for Immediate Examination filed on 04/21/2005
- Copy of references cited in ISR filed on 04/21/2005
- U.S. Basic National Fees filed on 04/21/2005
- Priority Documents filed on 04/21/2005
- Power of Attorney filed on 04/21/2005
- Specification filed on 04/21/2005
- Claims filed on 04/21/2005
- Abstracts filed on 04/21/2005

032013-121 EJE/MMH



The applicant needs to satisfy supplemental fees problems indicated below.

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

• To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

• \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY, DOCKET NO.
10/532,041	PCT/FR03/03120	032013-121

FORM PCT/DO/EO/905 (371 Formalities Notice)